



Paper No. 10

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OCT 27 2003

OFFICE OF PETITIONS

In re Application of
Smith, et al.
Application No.: 09/902,811
Filed: July 10, 2001
Attorney Docket No.: MS1-862US
For: APPLICATION PROGRAM INTERFACE
FOR NETWORK SOFTWARE PLATFORM

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed October 20, 2003.

The petition is granted.

Petitioners have shown that the non-signing inventor, David Bau, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the March 25, 2002 petition states that non-signing joint inventor David Bau received a copy of the application, a declaration, and an assignment for the above-identified application, but Mr. Bau did not respond to the request that he sign the declaration for the patent application. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Pursuant to petitioners' authorization, deposit account no. 12-0769 will be charged a \$1,480 four month extension of time fee.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF PETITIONS
LETTER**

In re Application of
Smith, et al.
Application No.: 09/902,811
Filed: July 10, 2001
Attorney Docket No.: MS1-862US
For: APPLICATION PROGRAM INTERFACE
FOR NETWORK SOFTWARE PLATFORM

Dear Mr. Bau:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: LEE & HAYES PLLC
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